

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

SPORTS SHINKO CO., LTD.,
a Japanese corporation,

Plaintiff,

vs.

QK HOTEL, LLC, a Hawai'i
limited liability company;
KG HOLDINGS, LLC, a Hawai'i
limited liability company;
FRANKLIN K. MUKAI,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO (USA) CO.;
LTD., a Delaware corporation;
SPORTS SHINKO (HAWAII) CO.,
LTD., a Hawai'i corporation;
SPORTS SHINKO (MILILANI)
CO., LTD., a Hawai'i corporation;
SPORTS SHINKO (KAUAI) CO.,
LTD., a Hawai'i corporation;
SPORTS SHINKO (PUKALANI)
CO., LTD., a Hawai'i corporation;

CIVIL NO. CV 04-00124

ACK/BMK

CONSOLIDATED CASES

**DECLARATION OF
GLENN T. MELCHINGER;
EXHIBIT "A"**

SPORTS SHINKO RESORT)
HOTEL CORPORATION, a)
Hawai`i corporation; SPORTS)
SHINKO (WAIKIKI))
CORPORATION, a Hawai`i)
corporation; and OCEAN)
RESORT HOTEL CORPORATION,))
a Hawai`i corporation,)

Third-Party)
Defendants,)

and)

SPORTS SHINKO (HAWAII) CO.,)
LTD., a Hawai`i corporation;)
SPORTS SHINKO RESORT)
HOTEL CORPORATION, a)
Hawai`i corporation; and)
SPORTS SHINKO (WAIKIKI))
CORPORATION, a Hawai`i)
corporation,)

Third-Party Defendants/)
Counterclaimants,)

vs.)

QK HOTEL, LLC, a Hawai`i)
limited liability company;)
KG HOLDINGS, LLC, a Hawai`i)
limited liability company,)
FRANKLIN K. MUKAI,)

Third-Party Counterclaim)
Defendants.)

SPORTS SHINKO (USA) CO.,
LTD., a Delaware corporation,

Plaintiff,

vs.

PUKALANI GOLF CLUB, LLC,
a Hawai'i limited liability
company; KG MAUI
DEVELOPMENT, LLC, a Hawai'i
limited liability company; KG
HOLDINGS, LLC, a Hawai'i
limited liability company;
FRANKLIN K. MUKAI,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO CO., LTD.,
a Japan corporation; SPORTS
SHINKO (HAWAII) CO., LTD.,
a Hawai'i corporation; SPORTS
SHINKO (MILILANI) CO., LTD.,
a Hawai'i corporation; SPORTS
SHINKO (KAUAI) CO., LTD.,
a Hawai'i corporation; SPORTS
SHINKO (PUKALANI) CO., LTD.,
a Hawai'i corporation; SPORTS
SHINKO RESORT HOTEL
CORPORATION, a Hawai'i
corporation; SPORTS SHINKO
(WAIKIKI) CORPORATION,
a Hawai'i corporation; and
OCEAN RESORT HOTEL
CORPORATION, a Hawai'i
corporation,

CIVIL NO. CV 04-00125
ACK/BMK

Third-Party
Defendants,

and

SPORTS SHINKO CO., LTD.,
a Japan corporation; SPORTS
SHINKO (HAWAII) CO., LTD.,
a Hawai'i corporation; SPORTS
SHINKO (PUKALANI) CO., LTD.,
a Hawai'i corporation,

Third-Party Defendants/
Counterclaimants,

vs.

PUKALANI GOLF CLUB, LLC,
a Hawai'i limited liability
company; KG MAUI
DEVELOPMENT, LLC, a Hawai'i
limited liability company; KG
HOLDINGS, LLC, a Hawai'i
limited liability company;
FRANKLIN K. MUKAI,

Third-Party Counterclaim
Defendants.

SPORTS SHINKO (USA) CO.,
LTD, a Delaware corporation,

Plaintiff,

vs.

KIAHUNA GOLF CLUB, LLC,
a Hawai'i limited liability
company; KG KAUAI
DEVELOPMENT, LLC, a Hawai'i
limited liability company;
PUKALANI GOLF CLUB, LLC, a
Hawai'i limited liability company;
KG MAUI DEVELOPMENT, LLC,
a Hawai'i limited liability
company; MILILANI GOLF CLUB,
LLC, a Hawai'i limited liability
company; QK HOTEL, LLC,
a Hawai'i limited liability
company; OR HOTEL, LLC,
a Hawai'i limited liability
company, and KG HOLDINGS,
LLC, a Hawai'i limited liability
company,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

CIVIL NO. CV 04-00126
ACK/BMK

SPORTS SHINKO CO., LTD.,)
a Japan corporation; SPORTS)
SHINKO (HAWAII) CO., LTD.,)
a Hawai'i corporation; SPORTS)
SHINKO (MILILANI) CO., LTD.,)
a Hawai'i corporation; SPORTS)
SHINKO (KAUAI) CO., LTD.,)
a Hawai'i corporation; SPORTS)
SHINKO (PUKALANI) CO., LTD.,)
a Hawai'i corporation; SPORTS)
SHINKO RESORT HOTEL)
CORPORATION, a Hawai'i)
corporation; SPORTS SHINKO)
(WAIKIKI) CORPORATION,)
a Hawai'i corporation; and)
OCEAN RESORT HOTEL)
CORPORATION, a Hawai'i)
corporation,)

Third-Party)
Defendants,)

and)

SPORTS SHINKO (HAWAII) CO.,)
LTD., a Hawai'i corporation; and)
SPORTS SHINKO (KAUAI) CO.,)
LTD., a Hawai'i corporation,)

Third-Party Defendants/)
Counterclaimants,)

vs.)

KIAHUNA GOLF CLUB, LLC,)
a Hawai'i, limited liability)
company; KG KAUAI)

DEVELOPMENT, LLC, a Hawai`i)
 limited liability company;)
 PUKALANI GOLF CLUB, LLC, a)
 Hawai`i limited liability company;)
 KG MAUI DEVELOPMENT, LLC,)
 a Hawai`i limited liability)
 company; MILILANI GOLF CLUB,)
 LLC, a Hawai`i limited liability)
 company; QK HOTEL, LLC, a)
 Hawai`i limited liability company;)
 OR HOTEL, LLC, a Hawai`i)
 limited liability company, and)
 KG HOLDINGS, LLC,)
 a Hawai`i limited liability)
 company, FRANKLIN K. MUKAI,)

Third-Party Counterclaim)
 Defendants.)

SPORTS SHINKO CO., LTD.,)
 a Japanese corporation,)

Plaintiff,)

vs.)

OR HOTEL, LLC, a Hawai`i)
 limited liability company;)
 KG HOLDINGS, LLC, a Hawai`i)
 limited liability company;)
 FRANKLIN K. MUKAI,)

Defendants,)

and)

CIVIL NO. CV 04-00127)
 ACK/BMK)

FRANKLIN K. MUKAI,)
)
Third-Party Plaintiff,)
)
vs.)
)
SPORTS SHINKO (USA) CO.,)
LTD., a Delaware corporation;)
SPORTS SHINKO (HAWAII) CO.,)
LTD., a Hawai`i corporation;)
SPORTS SHINKO (MILILANI)
CO., LTD., a Hawai`i corporation;)
SPORTS SHINKO (KAUAI) CO.,)
LTD., a Hawai`i corporation;)
SPORTS SHINKO (PUKALANI)
CO., LTD., a Hawai`i corporation;)
SPORTS SHINKO RESORT)
HOTEL CORPORATION, a)
Hawai`i corporation; SPORTS)
SHINKO (WAIKIKI))
CORPORATION, a Hawai`i)
corporation; and OCEAN)
RESORT HOTEL CORPORATION,)
a Hawai`i corporation,)
)
Third-Party)
Defendants,)
)
and)
)
SPORTS SHINKO (HAWAII) CO.,)
LTD., a Hawai`i corporation;)
SPORTS SHINKO RESORT)
HOTEL CORPORATION, a)
Hawai`i corporation; and)
SPORTS SHINKO (WAIKIKI))
)

CORPORATION, a Hawai'i
corporation,

Third-Party Defendants/
Counterclaimants,

vs.

OR HOTEL, LLC, a Hawai'i
limited liability company;
KG HOLDINGS, LLC, a Hawai'i
limited liability company;
FRANKLIN K. MUKAI,

Third Party Counterclaim
Defendants.

SPORTS SHINKO (USA) CO.,
LTD., a Delaware corporation,

Plaintiff,

vs.

MILILANI GOLF CLUB, LLC,
a Hawai'i limited liability
company; KG HOLDINGS, LLC,
a Hawai'i limited liability
company; FRANKLIN K. MUKAI,

Defendants,

and

CIVIL NO. CV 04-00128
ACK/BMK

FRANKLIN K. MUKAI,)
)
Third-Party Plaintiff,)
)
vs.)
)
SPORTS SHINKO CO., LTD.,)
a Japan corporation; SPORTS)
SHINKO (HAWAII) CO., LTD.,)
a Hawai'i corporation; SPORTS)
SHINKO (MILILANI) CO., LTD.,)
a Hawai'i corporation; SPORTS)
SHINKO (KAUAI) CO., LTD.,)
a Hawai'i corporation; SPORTS)
SHINKO (PUKALANI) CO., LTD.,)
a Hawai'i corporation; SPORTS)
SHINKO RESORT HOTEL)
CORPORATION, a Hawai'i)
corporation; SPORTS SHINKO)
(WAIKIKI) CORPORATION,)
a Hawai'i corporation; and)
OCEAN RESORT HOTEL)
CORPORATION, a Hawai'i)
corporation,)
)
Third-Party)
Defendants,)
)
and)
)
SPORTS SHINKO (HAWAII) CO.,)
LTD., a Hawaii corporation; and)
SPORTS SHINKO (MILILANI))
CO., LTD., a Hawai'i corporation,))
)
Third-Party Defendants/)
Counterclaimants,)

vs.)
)
MILILANI GOLF CLUB, LLC,)
a Hawai'i limited liability)
company; KG HOLDINGS, LLC,)
a Hawai'i limited liability)
company; FRANKLIN K. MUKAI,)
)
Third-Party Counterclaim)
Defendants.)
_____)

DECLARATION OF GLENN T. MELCHINGER

Pursuant to 28 U.S.C. § 1746, I declare that:

1. I am an attorney with the law firm of Alston Hunt
Floyd & Ing, counsel for Plaintiff and Third-Party Defendants,
SPORTS SHINKO CO., LTD., SPORTS SHINKO (USA) CO., LTD.,
SPORTS SHINKO (HAWAII) CO., LTD., SPORTS SHINKO (MILILANI)
CO., SPORTS SHINKO (KAUAI) CO., LTD., SPORTS SHINKO
(PUKALANI) CO., LTD., SPORTS SHINKO RESORT HOTEL
CORPORATION, SPORTS SHINKO (WAIKIKI) CORPORATION, and
OCEAN RESORT HOTEL CORPORATION (the "SS Companies").

2. I make this declaration based on my personal knowledge and am competent to testify as to the matters set forth herein.

3. Attached hereto as Exhibit "A" is a true and correct copy of a "redline" of the Stipulated Protective Order proposed by Defendant Franklin K. Mukai, showing the changes to the Stipulated Protective Order ("SPO") filed herein on January 25, 2005, reflecting the changes contained in their proposed Amended SPO.

4. I have contacted Defendant Franklin Mukai's counsel several times since he was joined in this case to inquire whether he will sign the SPO or otherwise agree in writing to be bound by its provisions. Defendant Mukai has not provided any written assurance that he will agree to the SPO's provisions, and he has not responded to these requests except to say that he has objections to the SPO. Defendant Mukai has also not reviewed any document in the case other than those already in his possession, despite my advising his counsel that they are available for review if

only they will agree to keep their former clients' information confidential.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Honolulu, Hawai'i on January 26, 2007.

/s/ Glenn Melchinger
GLENN T. MELCHINGER